

By: Burton

S.B. No. 243

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a commissioners court to disapprove of certain condemnations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0114 to read as follows:

Sec. 21.0114. PETITION FOR DISAPPROVAL OF CERTAIN CONDEMNATIONS. (a) This section applies only to the condemnation of property by:

(1) a public entity exercising its eminent domain authority if the property:

(A) qualifies as a residence homestead under Section 11.13, Tax Code, or is adjacent to a residence homestead provided that the adjacent property and the residence homestead have identical ownership; and

(B) is located outside the territorial boundaries of the entity; or

(2) a private entity exercising its eminent domain authority.

(b) Not later than the 30th day after the date the property owner receives a final offer from the entity, the property owner may file a petition with the commissioners court of the county in which a majority of the property to be condemned is located for the disapproval of the condemnation.

1 (c) If the property owner files the petition with the
2 commissioners court, the commissioners court shall hold a hearing
3 to determine whether to approve the condemnation of the property.
4 The entity may not initiate a condemnation proceeding under Section
5 21.012 for the property unless a majority of the commissioners
6 court approves the condemnation of the property.

7 SECTION 2. Section 21.0114, Property Code, as added by this
8 Act, applies only to a condemnation in which an initial offer is
9 made under Section 21.0113, Property Code, on or after the
10 effective date of this Act.

11 SECTION 3. This Act takes effect September 1, 2017.